

CHAPTER XVI.

An ACT to incorporate the Evangelical Lutheran Congregation of St. John's Church, in the City and Vicinity of Philadelphia.

SECTION I. *BE* it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Martin Hartley, Adam Eckfelt, John Lesher, John Graff, Christlieb Bartling, Daniel Breutigam, Isaac Wampole, John Singer, John Goodman, jun. Conrad Haas, John Rukan, George Rees, Charles Schaffer, Jacob Benninghove, Samuel Lehman, Baltes Emrich, George Bantleon, Michael Fox, John Hay, Daniel Bickley and John Greiner, and their successors, shall be duly elected in manner and form as is hereinafter directed, be, and they are hereby made and constituted a corporation and body politic in law, and in fact, and to have perpetual continuance by the name and style of, "The Trustees of the Evangelical Lutheran Congregation of St. John's Church, in the City and Vicinity of Philadelphia."

The Evangelical Lutheran congregation of St. John's church, in the city and vicinity of Philadelphia incorporated.

Style of the corporation.

SECT. II. *And* be it further enacted by the authority aforesaid That the said corporation and their successors by the name and style aforesaid, shall for ever hereafter be able and capable in law to have, purchase, take, receive, and hold lands, tenements, rents, annuities, franchises and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, released, devised or otherwise conveyed to the said congregation, or to any other person or persons for their use or in trust for them; and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments, are hereby vested and established in the said corporation, and their successors for ever agreeably to their original use and intention. And the said corporation and their successors are hereby declared to be seised and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, releases, devises or other conveyances thereof, is or are declared, limited or expressed, as also that the said corporation and their successors as aforesaid, at all times hereafter shall be capable and able to purchase, have, receive, take, hold, and enjoy in fee simple, or for any other less estate or estates, any lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, by the gift, grant, bargain, sale, alienation, release, confirmation or devise of any person or persons, bodies, politic or corporate, capable and able to make the same, and further that the said corporation may take and receive any sum or sums of money, and any manner or portion of goods and chattels that shall be given or bequeathed to them by any person or persons, bodies, politic or corporate, capable to make a gift or bequest thereof, such money, goods and chattels to be

General powers of the corporation.

laid out by them in a purchase or purchases of lands, tenements, messuages, houses, rents, annuities or other hereditaments, to them or their successors for ever, or the monies lent on interest or otherwise disposed of according to the intention of the donors.

Enabled to
sue and be
sued.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said corporation and their successors, by the name and style of, "The Trustees of the Evangelical Lutheran Congregation of St. John's Church, in the city and vicinity of Philadelphia," shall be able and capable in law to sue and be sued, plead and be impleaded, in any court or courts, before any judge or judges, justice or justices, in all and all manner of suits, complaints, pleas, causes, matters and demands of whatsoever kind, nature or form they may be, and all and every matter and thing therein to do in as full and effectual a manner, as any other person or persons, bodies, politic or corporate, within this commonwealth may or can do.

To have one
common
seal, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said corporation and their successors shall have power and authority to make, have and use one common seal, with such device and inscription as they shall think proper, and the same to break, alter and renew at their pleasure.

Number of
members,
and the time
and manner
of choosing
them.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said corporation by the name and style aforesaid, shall always consist of twenty-one members, and shall at all times hereafter be chosen by ballot on the second Tuesday in May, in each and every year, at such place as the said corporation by their by-laws hereafter may direct and appoint in manner following, *that is to say,* the last named seven persons of the present trustees, named in the first section of this act, shall be and continued trustees until the second Tuesday in May next, and the seven next named persons of the present trustees, shall be and continue trustees until the second Tuesday in May next thereafter, and that the remaining and first named persons of the present trustees, be, and continue trustees until the second Tuesday in May, which will be in the year of our Lord one thousand eight hundred and ten, and that on the second Tuesday in May, in the year of our Lord one thousand eight hundred and eight; and so on every second Tuesday in May annually for ever seven persons shall be chosen as aforesaid, to serve as trustees for the term of three years, and no person shall be excluded from serving as a trustee, on account of his having before served said office, and in all cases where the number of votes shall be equal for two or more candidates, the preference shall be decided by lot by the trustees when met for the purposes mentioned in the eighth section of this act.

Their term
of service.

No person
to be exclud-
ed from serv-
ing as a
Trustee, on
account of,
having pre-
viously serv-
ed in that
capacity.

SECT. VI. *And be it further enacted by the authority aforesaid,*

That all elections to be held in pursuance of this act, shall be conducted by three members of the Congregation, who shall be appointed inspectors at the same place where the trustees are to be elected as aforesaid, by the electors then assembled, in such manner as may be agreed on by the said electors within one hour preceding the election of said trustees, and the inspectors so chosen shall appoint one or more suitable person or persons, as their clerk or clerks to perform such duties as may be pointed out, and the nature of the case requires.

Inspectors of elections how to be appointed.

Clerks appointed: their duties.

SECT. VII. *And be it further enacted by the authority aforesaid,* That when each election so had and held in pursuance of this act, shall be closed and the number of votes for each person shall be ascertained, the inspectors of the election as aforesaid, or a majority of them shall thereupon make out under their respective hands a return thereof, containing the names of the trustees elect, with the number of votes in favor of each, and shall within two days after the closing of each election, give notice in writing to each of the trustees elect, of their respective elections, and shall deliver or cause to be delivered the said return, together with the list of names, tally papers, tickets and other documents, sealed up to the trustees in office at the times and places, in and by this act appointed for them to meet and receive the same.

Inspectors of elections; their duties.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the trustees in office shall for ever hereafter meet together at the same place where the election for trustees was held, between the hours of nine and eleven o'clock in the forenoon of the third day next following each and every election held in pursuance of this act, and shall then and there receive the returns of the trustees elect, and if objection shall be made by any five members of the congregation, not members of the corporation, to the legality of such election, they shall forthwith proceed and examine the same, and to judge and determine thereon, and for that purpose a majority of the trustees then in office, shall be judges of the said contested election, and shall have full power and authority to approve thereof or to set aside the same, and to order new elections as the law may require in manner before directed, and at such times as shall be by them appointed, and notice shall be given of all elections to be held in pursuance of this act, from the desk or pulpit for two successive Sundays, at least preceding each and every election, in the fore and afternoons of said days, and each and every election so held, shall be opened precisely at ten o'clock in the forenoon, and shall continue open until nine o'clock in the evening, unless any elector should present his vote before the inspectors have commenced counting off the ballots, in which case the vote or votes so offered, shall be received and the poll be closed;

Time and place of the meeting of the Trustees, to receive returns of the elections. Proceedings to be had in case of disputed elections.

Notice of elections, in what manner to be given. Elections how to be conducted.

Publication of the election of Trustees, manner of induction into office.

and the name of each and every trustee duly elected and returned (except where the same is contested,) shall be published in the congregation on the Sunday following his election, from the desk or pulpit, after which such trustee or trustees shall be inducted into office in the usual manner; in the presence of the congregation.

Electors their qualifications-

SECT. IX. *And be it further enacted by the authority aforesaid,* That in all elections to be held in pursuance of this act, every person of the age of twenty-one years who is a citizen of and residing in this commonwealth, and who shall appear by the books of the congregation to have paid three successive years, immediately preceding the time of any election for a pew or sitting in the church of said congregation to be built, shall enjoy the rights of an elector, and not otherwise, the sons of qualified members as aforesaid, (residing within the State,) between the ages of twenty-one and twenty-four years, always excepted, who shall be entitled to vote, although they have not paid any pew money or for sittings in said church within the time aforesaid: *Provided,* That he

The pastor or pastors to have the right of voting.

or they shall hold a pew or sitting in said church at the holding of any election: *And provided also,* That the pastor or pastors for the time being, shall be entitled to vote equally with any members of the said church or congregation. But no person shall be

No person to be eligible to the office of trustee, who is not in full communion, &c.

eligible to the office of trustee, who is not in full communion with the Evangelical Lutheran Church, agreeably to the tenets, rites and ceremonies thereof, and who is not otherwise qualified as aforesaid, at the time of his election, nor shall any person be elected a trustee unless he hath arrived at the age of thirty years at least; and the pastor or pastors of the said church or congregation, for the time being, shall not be eligible to the office of trustee: *Provided*

Pastor not eligible to the office of Trustee.

always, That until a church or house of worship shall have been built, for the use of the said congregation, and until the provisions herein contained, relative to the rights and privileges of the members of said congregation, according to the terms and conditions thereof, can or may go into full and complete operation, the trustees are hereby authorized and directed to provide for the elective rights and privileges of the members of said congregation on just and equitable principles.

Trustees to provide for the elective rights, &c. of the members.

herein contained, relative to the rights and privileges of the members of said congregation, according to the terms and conditions thereof, can or may go into full and complete operation, the trustees are hereby authorized and directed to provide for the elective rights and privileges of the members of said congregation on just and equitable principles.

Secretary of the corporation, his duties.

SECT. X. *And be it further enacted by the authority aforesaid,* That the secretary of the corporation shall make out and furnish the inspectors of every election with a fair, true and correct list of all the members of the said congregation, in alphabetical order from the books of the congregation, stating the time each person's name was entered as a pew-holder, the pew-rent due from each and every member in arrears at the time of such election, which list shall be certified under the hand of said secretary to be a true and correct list taken from the books of the congregation.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said trustees at their first meeting, after each annual election, shall elect by ballot from among their own members, a president and a secretary, and shall also at the same time, choose a treasurer from among such members of the congregation, who is not a trustee, and the said corporation shall and may further more appoint such officers as to them may appear necessary for the well-governing of said congregation.

President, secretary and treasurer, when and how chosen. Corporation to appoint all necessary officers.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the said corporation when met and convened upon due notice given to each and every member in writing from time to time be authorised to make bye-laws, rules and ordinances, and to do and perform such other things as may be necessary for the support and good government of the congregation. And in all cases two thirds of the trustees composing said corporation, shall constitute a quorum, a majority of whom shall be sufficient to transact any business, except it is to receive rents or other monies, and to fix the time of adjournment, in such case a less number shall be sufficient: *Provided always,* That such bye-laws, rules and ordinances be not repugnant to the laws of the United States and of this state, and that the same be fairly entered and registered in a book or books to be provided for that purpose, signed by the president, and attested by the secretary, and published to the congregation as soon as may be, after the passing thereof. And the book or books in which such bye-laws, rules and regulations are registered or entered together with the journals of the proceedings as well as the documents and other papers relating to the business of the corporation, shall be open to the inspection of any member or members of the congregation at all reasonable hours on due application first made to the president or secretary for that purpose at least three days before any such inspection may be made.

Members to be notified in writing of the meetings. Quorum of trustees to consist of two thirds of their whole number; power of. Bye-laws, &c. not to be repugnant to the laws of the U. S. and of Pennsylvania. shall be registered and published. Books, journals, &c. to be open to the inspection of the members.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That in the disposal of any part of the real or personal estate of the said congregation, the consent of two thirds of the whole number of the trustees, specially convened for that purpose, on due notice given in writing, shall in the first instance be necessary, and the names of the trustees on such occasion, voting for or against the contemplated measure, shall be recorded in the journals of the corporation, after which, the concurrence of the major part of the regular members of the congregation qualified as in and by this act is directed, shall be had and obtained on previous notice given, and the votes so to be taken shall be by ballot, and the real estate of the congregation shall not be charged or incumbered

Disposal of real or personal estate belonging to the corporation, how to be effected.

to any person, or persons whomsoever, except as is herein provided in manner aforesaid.

Vacancies,
how to be
supplied.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That in case any vacancy or vacancies happen by death, resignation, removal or otherwise, a majority of the trustees assembled shall appoint special elections for supplying such vacancies, and every special election shall be held and conducted, and the proper return thereof made in manner and form as is herein before directed for the annual elections, and the person or persons so legally chosen, shall be trustee or trustees for the remainder of the time that the person or persons in whose place or places he or they were elected as aforesaid, would or might have remained and continued, and no longer.

Congrega-
tion to elect
their pastors,
&c.

How he may
be dismissed

Who shall
not be eligi-
ble.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the said congregation shall have full power and authority from time to time to elect their pastor or pastors, which elections shall always be held by ballot by the qualified members of said congregation, and a majority of votes in all such cases shall be conclusive, and no pastor of the said congregation elected in manner as above mentioned, shall be dismissed, except by a vote finally taken of the qualified members of the said congregation, in manner before directed; but no minister of the Gospel shall ever be elected as pastor of said congregation unless he is in full communion with the Evangelical Lutheran Church agreeably to the tenets, rites and ceremonies thereof.

Present pas-
tor confirm-
ed in his of-
fice.

SECT. XVI. And whereas the members now composing the said congregation, have previous to the passing of this act appointed the Reverend Philip F. Mayer their Pastor; and being desirous that said appointment may be confirmed and ratified without the intervention of an election, agreeably to the provisions contained in the preceding section of this act: Therefore, *Be it enacted by the authority aforesaid,* That the appointment of the reverend Philip F. Mayer as officiating pastor of said congregation be, and the same is hereby ratified and confirmed. And the said Philip F. Mayer is hereby declared to be the pastor of the said congregation in all respects as fully and completely as if he had been elected by virtue of the provisions contained in this act, any thing therein contained to the contrary in any wise notwithstanding.

Funds of the
corporation,
limited

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities or other hereditaments and real estate of the said congregation, shall not exceed the sum of three thousand dollars lawful money of the United States to be taken and es-

teemed exclusive of the monies arising from the letting of the pews, and the voluntary contributions of the members of said church, and also exclusive of the monies arising from the opening the ground for burials, which said monies shall be received by the said trustees and their successors, and be applied for the maintenance and support of the pastor or pastors of said church, for the payment of salaries of such officers of the congregation as may be deemed necessary from time to time to appoint or elect for the maintenance and support of a seminary of learning, for building a house of worship and keeping the same in repair, and to the application of such other things as may be requisite and necessary according to the true intent and meaning of this act.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to, or from the said corporation: *Provided,* the intent of the parties shall sufficiently appear on the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to, or from the said corporation, nor shall any disuser or nonuser of the rights, liberties, privileges or jurisdictions and authorities hereby granted to the said corporation, or any of them create or cause forfeiture thereof.

their application.

No misnomer to defeat or annul any gift, grant, &c.

Nor disuser to work a forfeiture of any rights, liberties, &c.

SIMON SNYDER, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the first day of February, in the year one thousand eight hundred and eight.

THOMAS M'KEAN.

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CHAPTER XVII.

An ACT granting a Tract of Donation Land to James Norris.

WHEREAS it appears, that James Norris (now an inhabitant of the county of Philadelphia) entered very early in the late revolutionary army; that in consequence of merit he was advanced to a lieutenancy, under captain Van Heer, and continued to render essential services to his country, until the month of November, one thousand seven hundred and eighty, when (owing to extreme hardship) a severe fit of illness reduced him to the necessity of resigning his commission, his life being in imminent danger; that he never recovered his health, and is now advanced in years, and unable, from his infirmities, (the result of severe service) to maintain himself and a numerous family; that it appears